

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MEL TYRONE EDWARD

Plaintiff,

No. CIV S-03-02584 ALA P

vs.

S. SCARSELLA, et al.,

Defendants.

ORDER

Pending before this court is the court's December 21, 2007, order for appointment of counsel for the plaintiff.

On January 6, 2004, plaintiff Mel Edward filed a motion requesting appointment of counsel. On July 19, 2004 the Magistrate Judge assigned to this matter referred the case to the University of California, King Hall Civil Rights Clinic for review. On June 23, 2005, the Magistrate Judge withdrew the referral of this matter from the University of California, King Hall Civil Rights Clinic. On August 3, 2007, the court denied defendant's motion for summary judgment.

On August 13, 2007, this court first attempted to appoint counsel for plaintiff. However, the court was informed that appointed counsel was unavailable. On December 21, 2007, this court again attempted to appoint counsel for plaintiff. That counsel informed the court that she

1 would not be able to accept the appointment due to a conflict.

2 Finally, this court has now located counsel for appointment. Thus, upon review of the
3 file and good cause appearing therefor, the court finds as follows:

4 Efforts to obtain legal representation without order of this court would be futile;

5 1. Plaintiff's income is 125 percent or less of the current poverty threshold
6 established by the Office of Management and Budget of the United States and is otherwise
7 without resources to obtain counsel;

8 2. This case is of a type that attorneys in this district ordinarily do not accept
9 without prepayment of a fee;

10 3. This case is not a fee generating case within the meaning of California Business
11 and Professions Code § 8030.4(g); and

12 4. This case has sufficient merit to warrant appointment pursuant to General
13 Order No. 230.

14 Accordingly, it is ORDERED that:

15 1. The court hereby appoints Thomas Rector of Jones Day, 555 California Street,
16 26th Floor, San Francisco, California, 94104-1500 to undertake representation of the plaintiff
17 through pretrial proceedings and through trial;

18 2. Mr. Rector is directed to contact the Clerk's Office to make arrangements for
19 copies of the file;

20 3. Mr. Rector shall submit all deposition transcript costs for payment pursuant to
21 § 8030.6 of the California Business and Professions Code. All other contemplated costs shall be
22 handled as described in General Order No. 230;

23 4. A status conference is set for this matter on February 27, 2008, at 9:00 a.m. via
24 teleconference. A separate minute order will issue addressing the teleconference; and

25 5. Ms. Bunzel, is terminated as counsel for plaintiff.

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1 DATED: January 31, 2008

2 /s/ Arthur L. Alarcón
3 UNITED STATES CIRCUIT JUDGE
4 Sitting by Designation
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